?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 13.06.2018

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

+W.P.(MD).No.12607 of 2018

#P.Thangaraju .. Petitioner

Vs.

$1.The Agricultural Production Commissioner
& Principal Secretary to Government,
Agriculture Department,
Secretariat,
Chennai ~ 600 009.

2.The Director of Agriculture,
Agriculture Department,
Chepauk,
Chennai ~ 600 005.

3.The Joint Director of Agriculture,
Agriculture Department,
Namakkal,
Namakkal District. .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first respondent i.e., the Agricultural Production Commissioner and Principal Secretary to Government, Agriculture Department, Chennai to pass appropriate orders on the petitioner-s representation dated 30.04.2018 regarding sending proposal to the Accountant General, Chennai for payment of Commutation of Pension within a specified time frame that may be fixed.

!For Petitioner : Mr. S.Visvalingam

^For Respondents : Mr. D.Muruganantham
Additional Government Pleader

:ORDER

The Prayer sought for in this Writ Petition is for issuing a Writ of Mandamus, directing the first respondent i.e., the Agricultural Production Commissioner and Principal Secretary to Government, Agriculture Department,

Chennai to pass appropriate orders on the petitioner-s representation dated 30.04.2018 regarding proposal to the Accountant General, Chennai for payment of Commutation of Pension.

2. Heard Mr.S.Visvalingam, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents.

3. The grievance of the petitioner, according to the learned counsel for the petitioner is that, the petitioner was working as Assistant Director of Agriculture at Namakkal District at Respondents Department. His superannuation was on 31.03.2017. Based on disciplinary proceedings, by order dated 19.11.2016, the petitioner was inflicted with the punishment of compulsory retirement and accordingly the petitioner retired from service compulsorily.

4. Thereafter, the petitioner received pension, General Provident Fund and Encashment of Leave Salary. However, he has not received the Commutation of Pension. With regard to Commutation of pension, as per the advise of the Accountant General, while sanctioning pension, the petitioner was subjected to the test of medical board for getting certificate. Though the petitioner has been subjected to medical examination in the Government Hospital at Trichy and Thanjavur, they have yet to give the certificate with regard to Urology Department on the ground that no Urology Doctor is available in the Government Hospital.

5. In this regard, the petitioner Counsel has submitted that, once the punishment of compulsory retirement was inflicted on the petitioner and received all other benefits, except payment of commutation of pension, the necessity of medical certificate is no more required as he is neither a sugar patient nor has any Urology problem.

6. At any rate, the petitioner in order to get his commutation of pension had made a detailed representation on 30.04.2018 stating all these reasons to the respondents. However, no order so far has been passed therein.

7. In this regard, the petitioner Counsel would submit that if the said representation of the petitioner dated 30.04.2018 is directed to be considered and an order to that effect, on merits, is directed to be passed within a specified time frame that may be fixed by this Court, the petitioner would be satisfied.

8. I have heard Mr.D.Muruganantham, learned Additional Government Pleader, who would submit that, the petitioner received all other retirement benefits including pension, except commutation of pension. Since the petitioner is having grievance, for which, he has already given a representation on 30.04.2018 and the same shall be considered by the respondents on merits and in accordance with law and orders to that effect would be passed within a reasonable period that may be fixed by this Court.

9. In view of the said submissions made by the learned counsel appearing on both sides, this writ petition is disposed of, with the following directions :
that the petitioner-s representation dated 30.04.2018 shall be considered by the first respondent on merits and in accordance with law and a reasoned order to that effect, with regard to sanctioning of commutation of pension shall be passed within a period of four weeks from the date of receipt of a copy of this order.

10. With these direction this writ petition is disposed of. No costs.

To

1.The Agricultural Production Commissioner
& Principal Secretary to Government,
Agriculture Department,
Secretariat,
Chennai ~ 600 009.

2.The Director of Agriculture,
Agriculture Department,
Chepauk,
Chennai ~ 600 005.

3.The Joint Director of Agriculture,
Agriculture Department,
Namakkal,
Namakkal District